

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
MICHAEL PINA)
)

JOINT MEMORANDUM
PURSUANT TO LOCAL RULE 116.5(C)

Pursuant to Local Rule 116.5(C), the United States and Defendant Michael Pina (collectively, the "parties") state as follows:

(1) The defendant has reviewed the discovery provided by the government to date. However, the defendant has been unable to access certain evidence contained on compact discs provided by the government, and has additionally requested that the government inquire into the existence of any police reports by local law enforcement officers. Accordingly, the government anticipates providing additional discovery, and expects to disclose said discovery within the next two weeks.

(2) Once the discovery alluded to above has been provided, the parties do not anticipate the need for additional discovery.

(3) The defendant does not intend to raise a defense of insanity or public authority.

(4) The government has not formally requested notice of an alibi by the defendant.

(5-6) The defendant intends to file one or more dispositive

motions. The defendant respectfully requests that the Court set the filing date for any such motions for some time in early January of 2005 in order to account for the time it will take to receive and review the discovery to be provided by the government, as well as the coming holiday season.

(7) The parties have continuously been involved in meaningful discussions regarding resolution of the case short of trial, although no agreement has been reached to date.

(8) The Court previously excluded the 28 day period from the defendant's arraignment, and from the parties initial status conference to the present date. The parties hereby request that the Court convene a final status conference in mid to late January 2005, and agree that the time from the present to the final status conference should be excluded for purposes of the Speedy Trial Act.

MICHAEL PINA
By His Attorney

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Clifford Samuel Sutter
CLIFFORD SAMUEL SUTTER, JR., ESQ.
203 Plymouth Avenue
Building #7
Fall River, MA 02721
(508) 674-8633

/s/Donald L. Cabell
DONALD L. CABELL
Assistant U.S. Attorney
U.S. Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
(617) 748-3105

November 19, 2004